

BILL # HB 2259

TITLE: aggravating factors; immigration law violations

SPONSOR: Gray

STATUS: House Engrossed

REQUESTED BY: House

PREPARED BY: Kimberly Chelberg

FISCAL ANALYSIS

Description

HB 2259 would allow a persons' immigration status to be considered as an aggravating factor when deciding sentencing for an offense. Other aggravating factors include but are not limited to damage to property, presence of an accomplice, and the heinous nature of the offense.

Estimated Impact

The JLBC Staff estimates the bill could increase General Fund costs for the Arizona Department of Corrections (ADC) due to the lengthening of some inmates' sentences. The impact will most likely not occur for 2.5 years (with 2.5 years representing the current average time served within ADC). The extent of the impact cannot be determined in advance, however, see the Analysis section below for more information.

ADC did not provide a cost estimate for this bill. The County Supervisors Association (CSA) and the Arizona Association of Counties (AAC) also did not provide a cost estimate for this bill. According to the AAC, the impact of this bill cannot be determined in advance.

Analysis

The cost of HB 2259, beginning in FY 2008, would depend primarily on three factors:

- The number of inmates sentenced to longer terms of commitment due to HB 2259
- The amount of additional time that must be served
- Whether the department will absorb inmates into its existing capacity or if the department will acquire new facilities to house HB 2259 inmates.

Currently, the Department of Corrections houses between 3,000 and 4,000 foreign nationals. If a new bed is acquired for HB 2259 inmates, the annual operating cost for each of these inmates will be approximately \$21,000. Additional capital costs will depend on whether the new beds are privately or publicly constructed. On the other hand, if the department absorbs the inmates within its current capacity, the department would incur a marginal cost of approximately \$3,500 for each additional inmate. As a result of federal monies provided through the State Criminal Alien Assistance Program (SCAAP) the department may be able to recoup a portion of increased costs. In 2004, however, only 13% of current costs, related to this population, were federally reimbursed.

Local Government Impact

The County Supervisors Association (CSA) and the Arizona Association of Counties (AAC) did not provide a cost estimate for this bill. According to the AAC, the impact of this bill cannot be determined in advance.